

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Berka et al.

SERIAL NUMBER: 10/767,899

EXAMINER: Not Yet Assigned

FILING DATE: January 28, 2004

ART UNIT: Not Yet Assigned

FOR: BEAD EMULSION NUCLEIC ACID AMPLIFICATION

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Cited References A1-A5, B1-B7 and C1-C7; and
4. Return Postcard.

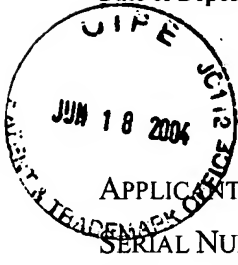
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (212) 935-3000.

The Commissioner is authorized to charge any fees that may be due to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 21465-508 UTIL. Please address all correspondence to customer number 35437. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Ivor Elrifi, Reg. No. 39,529  
Caryn DeHoratius, Reg. No. 45,881  
Attorney/Agent for Applicant  
c/o MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY & POPEO P.C.  
Chrysler Center  
666 Third Avenue  
New York, New York 10017  
Phone: (212) 935-3000  
Fax: (212) 983-3115

Dated: June 18, 2004



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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, for the above-identified application. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Applicants: Berka et al.  
U.S.S.N.: 10/767,899

The order of presentation of the references should not be construed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any fees that may be due to Deposit Account No. 50-0311, Reference No. 21465-508 UTIL.

Respectfully submitted,



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Ivor R. Elrifi, Reg. No. 39,529  
Caryn DeHoratius, Reg. No. 45,881  
Attorney/Agent for Applicant  
c/o MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY & POPEO P.C.  
Chrysler Center  
666 Third Avenue  
New York, New York 10017  
Tel: (212) 935-3000  
Fax: (212) 983-3115

Dated: June 18, 2004

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PTO/SB (12-97)  
OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Modified Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	10/767,899
	Filing Date	January 28, 2004
	First Named Inventor	Berka
	Group Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	21465-508 UTIL

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date
	A1	5,989,892	11/23/99	Nishimaki et al.	435	252.1	06/13/96
	A2	6,023,540	02/08/00	Walt et al.	385	12	03/14/97
	A3	6,184,012	02/06/01	Neri et al.	435	188	04/25/97
	A4	6,266,459	07/24/01	Walt et al.	385	12	11/29/99
	A5	6,489,103	12/03/02	Griffiths et al.	435	6	12/16/99

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)		Date of Publication	Translation Yes	No
	B1	WO 97/40141	Medical Research Council		October 30, 1997	X	
	B2	WO 99/02671	Medical Research Council		January 21, 1999	X	
	B3	WO 00/40712	Medical Research Council		July 13, 2000	X	
	B4	WO 01/18244	Medical Research Council		March 15, 2001	X	
	B5	WO 02/22869	Medical Research Council		March 21, 2002	X	
	B6	WO 02/103363	Medical Research Council		December 27, 2002	X	
	B7	WO 03/044187	Medical Research Council		May 30, 2003	X	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	Bauer, Johann (1999). <i>J. Chromotography</i> 722: 55-69.
	C2	Brody & Quake (1999). <i>Applied Physics Letters</i> 74: 144-146.
	C3	Dressman et al. (2003). <i>PNAS</i> 100: 8817-8822.
	C4	Ghadessy et al. (2001). <i>PNAS</i> 99: 4552-4557.
	C5	Griffiths & Tawfik (2003). <i>EMBO J.</i> 22: 24-35.
	C6	Sepp et al. (2002). <i>FEBS Letters</i> 532: 455-458.
	C7	Tawfik & Griffiths (1998). <i>Nat Biotechnol</i> 16: 652-656.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.